

## United States District Court

## JUDICIAL DISTRICT OF HAWAII

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAIIIn the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

JAN 29 2004

at 0 o'clock and 05 min. AM  
WALTER A. Y. H. CHINN, CLERKAPPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 04-097-KSC

ATTENTION: CASHIERS SECTION  
\$50,000.00 IN POSTED BAIL MONEY  
IN POSSESSION OF THE CHIEF CLERK'S OFFICE  
FIRST CIRCUIT COURT, 777 PUNCHBOWL STREET, HONOLULU, HI 96813  
UNDER COURT CASE #CR03-1-2579 AND/OR BETTY YI HERNANDEZ, SSN: 462-29-4599

I Jason K. Pa being duly sworn depose and say:

I am a Special Agent, Department of Homeland Security, U.S. Immigration and Customs Enforcement and have reason to believe that in the Judicial District of Hawaii there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized).

\$50,000.00 IN POSTED BAIL MONEY IN POSSESSION OF THE CHIEF CLERK'S OFFICE FIRST CIRCUIT COURT, 777 PUNCHBOWL STREET, HONOLULU, HI 96813 ATTENTION: CASHIER'S SECTION, UNDER COURT CASE #CR03-1-2579 AND/OR UNDER THE NAME OF BETTY YI HERNANDEZ, SSN: 462-29-4599.

which is (state one or more bases for seizure set forth under the United States Code)  
proceeds of a specified unlawful activity, i.e. violations of 21 U.S.C. §§ 856(a)(2) and 856(b) with the intent to promote the carrying on of a specified unlawful activity and/or the intent to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity, in violation of 18 U.S.C. §§ 1956; and as moneys furnished or intended to be furnished by any person in exchange for a controlled substance or as proceed traceable to such an exchange

concerning a violation of Title 18, United States Code, Section 981 & 982 and Title 21, United States Code, Section 853. The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

Please see attached affidavit.

Continued on the attached sheet and made part hereof.  Yes  No

Jason K. Pa

Signature of Affiant

Sworn to before me, and subscribed in my presence

Jan 29, 2004  
Date

Honolulu, Hawaii

City and State

United States Magistrate Judge  
Name and Title of Judicial Officer

KEVIN S.C. CHANG  
Signature of Judicial Officer

SCANNED

**SECOND AFFIDAVIT OF JASON PA****INTRODUCTION**

I, JASON PA, being duly sworn on an oath, deposes and states that:

1. I am the person who signed and executed that "Application and Affidavit for a Seizure Warrant, Affidavit of Jason Pa," and appended attachments, all of which were filed on December 10, 2003, in under MAG. NOS. 03-10016 BMK, 03-1017 BMK and 03-1018 BMK in the District Court, District of Hawaii. (hereinafter collectively referred-to as the "First Affidavit"). A true and correct copy of my First Affidavit is attached hereto and incorporated herein by reference (See Exhibit A).
2. In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ created and maintained Swing Video LLC as a business front where illegal activity could be conducted and where illegally acquired money could be blended in with legitimate ordinary appearing bank deposits.
3. In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ used commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) for lease rent payments, home mortgage payments, vehicle purchases, and vehicle loan payments.
4. In my First Affidavit, **SECTION IV. BASIS FOR SEIZURE WARRANT FOR BANK ACCOUNTS**, page 68, paragraph 336 to page 78, paragraph 369 explains why probable cause existed to seize the following bank accounts.
  - (a). City Bank Account #236322420 held in the name BETTY YI HERNANDEZ, 3075 Ala Poha Place, Unit 1609, Honolulu, Hawaii 96814.

- (b). First Hawaiian Bank Swing Video Checking Account #47-019753 held in the name of BETTY YI HERNANDEZ dba Swing Video, 35 North Hotel Street, Honolulu, Hawaii 96817.
- (c). First Hawaiian Bank Swing Video LLC Checking Account #65-194899 held in the name of BETTY YI HERNANDEZ dba Swing Video LLC, 1340 Kapiolani Blvd., Unit 102, Honolulu, Hawaii 96814.
- (d). University of Hawaii Federal Credit Union Account #37961 held in the name of BETTY YI HERNANDEZ, 3075 Ala Poha Place, Unit 1609, Honolulu, Hawaii 96814.

**BANK SEIZURE WARRANTS ISSUED BECAUSE OF FIRST AFFIDAVIT**

- 5. As a result of my First Affidavit, a seizure warrant was issued for the contents of City Bank City Bank Account Number 236322420, held in the name of BETTY YI HERNANDEZ, which is moneys furnished or intended to be furnished by any person in exchange for a controlled substance or as proceeds traceable to such an exchange and concerning a violation of Title 18 U.S.C., Section 1956.
- 6. As a result of the seizure warrant issued under MAG. NO. 03-1016 BMK, City Bank provided City Bank Check #236854, dated 12/12/03, in the amount of \$453.85, made payable to Customs and Border Protection, which represented the contents of City Bank Account Number 236322420.
- 7. As a result of my First Affidavit, a seizure warrant was issued for the contents of First Hawaiian Bank Account Number 65-194899, held in the name of BETTY YI HERNANDEZ and Swing Video LLC, which is moneys furnished or intended to be furnished by any person in exchange for a controlled substance or as proceeds traceable to such an exchange and concerning a violation of Title 18 U.S.C., Section 1956.
- 8. As a result of the seizure warrant issued under MAG. NO. 03-1017 BMK, First Hawaiian Bank provided First Hawaiian Bank Check #05591997, dated 12/12/03, in the amount of \$2,862.16, made payable to Customs and Border Protection,

which represented the contents of First Hawaiian Bank Swing Video LLC Checking Account Number 65-194899.

9. As a result of my First Affidavit, a seizure warrant was issued for the contents of First Hawaiian Bank Account Number 47-019753, held in the name of BETTY YI HERNANDEZ dba Swing Video, which is moneys furnished or intended to be furnished by any person in exchange for a controlled substance or as proceeds traceable to such an exchange and concerning a violation of Title 18 U.S.C., Section 1956.
10. As a result of the seizure warrant issued under MAG. NO. 03-1017 BMK, First Hawaiian Bank provided First Hawaiian Bank Check #04742307, dated 12/12/03, in the amount of \$19,933.02, made payable to Customs and Border Protection, which represented the contents of First Hawaiian Bank Swing Video Checking Account Number 47-0194753.
11. As a result of my First Affidavit, a seizure warrant was issued for the contents of University of Hawaii Federal Credit Union Account Number 37961, held in the name of BETTY YI HERNANDEZ, which is moneys furnished or intended to be furnished by any person in exchange for a controlled substance or as proceeds traceable to such an exchange and concerning a violation of Title 18 U.S.C., Section 1956.
12. As a result of the seizure warrant issued under MAG. NO. 03-10018 BMK, University of Hawaii Federal Credit Union provided University of Hawaii Federal Credit Union Check #164960, dated 12/12/03, in the amount of \$10,576.28, made payable to Customs and Border Protection, which represented the contents of University of Hawaii Federal Credit Union Account Number 37961.

#### REVIEW OF RECORDS FOR SECOND AFFIDAVIT

13. During the course of my investigation, I reviewed the bank records of American Savings Bank, City Bank, First Hawaiian Bank, and the University of Hawaii Federal Credit Union for BETTY YI HERNANDEZ, KWANG SUP SHIN (husband), TENNY YI HERNANDEZ, LORI M. HERNANDEZ, Swing Video, Swing Video LLC, Tenny Corporation and North King Shell Station.

14. During the course of my investigation, I reviewed the records of the Honolulu Police Department for TENNY YI HERNANDEZ.

### **SECOND AFFIDAVIT TO SUPPORT MONEY LAUNDERING VIOLATIONS**

15. My Second Affidavit is provided in support of the attached application for a warrant authorizing the seizure of \$50,000.00 in bail money that is in the possession of the CHIEF CLERK'S OFFICE FIRST CIRCUIT COURT, 777 PUNCHBOWL STREET, HONOLULU, HI 96813, ATTENTION: CASHIER'S SECTION.
16. My Second Affidavit shows that BETTY YI HERNANDEZ was the Source of the \$50,000.00 in bail money that is to be seized and subject to forfeiture.
17. My Second Affidavit shows that the \$50,000.00 in bail money that is to be seized and subject to forfeiture, were commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).
18. My Second Affidavit shows that the \$50,000.00 in bail money is relating to money laundering violations undertaken by BETTY YI HERNANDEZ, the owner of Swing Video LLC, a Hawaii limited liability corporation located at 1340 Kapiolani Blvd., Ste. 102, Honolulu, Hawaii 96814, pursuant to:
  - (a). Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation.
  - (b). Title 18, United States Code, Section 982, as property real or personal, involved in such offense or any property traceable to such property, in violation of Title 18, United States Code, Section 1956 or 1957.
  - (c). Title 18, United States Code, Section 981, as property real or personal, involved in such offense or any property traceable to such property, in violation of Title 18, United States Code, Section 1956 or 1957.

## MONEY LAUNDERING TRANSACTIONS

19. My Second Affidavit shows that the \$50,000.00 in bail money represents commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) used in the following money laundering transactions.

(a). **On November 6, 2003**, BETTY YI HERNANDEZ used \$12,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to purchase First Hawaiian Bank Official Bank Check Number 0558846-9, payable to Honolulu District Court in the amount of \$12,000.00.

(b). **On November 6, 2003**, BETTY YI HERNANDEZ used \$8,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to purchase City Bank Cashier's Check Number 232197, payable to Honolulu District Court in the amount of \$8,000.00.

(c). **On November 6, 2003**, BETTY YI HERNANDEZ caused Ms. NHO BOON KIM to purchase Bank of Hawaii Cashier's Check Number 400794 with \$5,000.00 to repay a loan of commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).

(d). As instructed by BETTY YI HERNANDEZ, Ms. NHO BOON KIM made Bank of Hawaii Cashier's Check Number 400794 payable to Honolulu District Court in the amount of \$5,000.00.

(e). **On November 6, 2003**, BETTY YI HERNANDEZ caused Ms. EUN MEE HWANG to purchase Bank of Hawaii Cashier's Check Number 1701607 with \$5,000.00 to repay a loan of commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).

(f). As instructed by BETTY YI HERNANDEZ, Ms. EUN MEE HWANG made Bank of Hawaii Cashier's Check Number 1701607 payable to Honolulu District Court in the amount of \$5,000.00.

- (g). On November 6, 2003, BETTY YI HERNANDEZ caused Ms. Lori M. HERNANDEZ to purchase American Savings Bank Cashier's Check Number 400767383 with \$20,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).
- (h). As instructed by BETTY YI HERNANDEZ, Ms. Lori M. HERNANDEZ made American Savings Bank Cashier's Check Cashier's Check Number 400767383 payable to Honolulu District Court in the amount of \$20,000.00.

### **SUMMARY OF MONEY LAUNDERING TRANSACTIONS**

21. **SECTION I** of my Second Affidavit describes how on November 5, 2003, TENNY YI HERNANDEZ was arrested by the Honolulu Police Department and that his bail was set at \$50,000.00.
22. **SECTION II** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ withdrew \$12,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) from First Hawaiian Bank Swing Video Checking Account #47-019753 held in the name of BETTY YI HERNANDEZ dba Swing Video, 35 North Hotel Street, Honolulu, Hawaii 96817.
23. **SECTION II** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ used \$12,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to purchase First Hawaiian Bank Official Bank Check Number 0558846-9, payable to Honolulu District Court in the amount of \$12,000.00.
24. **SECTION III** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ withdrew \$8,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) from City Bank Account #236322420 held in the name BETTY YI HERNANDEZ, 3075 Ala Poha Place, Unit 1609, Honolulu, Hawaii 96814.
25. **SECTION III** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ used \$8,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to purchase City Bank Cashier's Check Number 232197, payable to Honolulu District Court in the amount of \$8,000.00.
26. **SECTION IV** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ caused Ms. NHO BOON KIM to purchase Bank of Hawaii Cashier's Check Number 400794 with \$5,000.00 to repay a loan of

commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).

27. **SECTION IV** of my Second Affidavit describes how on November 6, 2003, as instructed by BETTY YI HERNANDEZ, Ms. NHO BOON KIM made Bank of Hawaii Cashier's Check Number 400794 payable to Honolulu District Court in the amount of \$5,000.00.

28. **SECTION V** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ caused Ms. EUN MEE HWANG to purchase Bank of Hawaii Cashier's Check Number 1701607 with \$5,000.00 to repay a loan of commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).

29. **SECTION V** of my Second Affidavit describes how on November 6, 2003, as instructed by BETTY YI HERNANDEZ, Ms. EUN MEE HWANG made Bank of Hawaii Cashier's Check Number 1701607 payable to Honolulu District Court in the amount of \$5,000.00.

30. **SECTION VI** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ caused Ms. LORI M. HERNANDEZ to purchase American Savings Bank Cashier's Check Cashier's Check Number 400767383 with \$20,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).

31. **SECTION VI** of my Second Affidavit describes how on November 6, 2003, Ms. LORI M. HERNANDEZ made American Savings Bank Cashier's Check Cashier's Check Number 400767383 payable to Honolulu District Court in the amount of \$20,000.00.

32. **SECTION VII** of my Second Affidavit explains the basis for seizing the \$50,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) that BETTY YI HERNANDEZ paid to Honolulu District Court as bail money for TENNY YI HERNANDEZ.

**SECTION I. ARREST OF TENNY YI HERNANDEZ ON NOVEMBER 5, 2003**

33. **SECTION I** of my Second Affidavit describes how on November 5, 2003, TENNY YI HERNANDEZ was arrested by the Honolulu Police Department and that his bail was set at \$50,000.00.
34. I reviewed the records of the Honolulu Police Department for TENNY YI HERNANDEZ and discovered the following:
  - (a). **On November 5, 2003**, Officers of the Honolulu Police Department arrested TENNY YI HERNANDEZ for UNAUTHORIZED CONTROL OF PROPELLED VEHICLE (HRS 708-0836) which is coded as being a FELONY CLASS C. The Honolulu Police Department Arrest Report Number was 03-416493. The OBTS Tracking Number was 36596XO. The Honolulu District Court Case Number was 1P103-12507.
  - (b). **On November 5, 2003**, Officers of the Honolulu Police Department arrested TENNY YI HERNANDEZ for RACING ON HIGHWAYS (HRS 291C-0103) which is coded as being a VIOLATION. The Honolulu Police Department Arrest Report Number was 03-444441. The OBTS Tracking Number was 36596XO. The Honolulu District Court Case Number was 1P103-12507.
  - (c). **On November 5, 2003**, Officers of the Honolulu Police Department arrested TENNY YI HERNANDEZ for RECKLESS DRIVING (HRS 291-0002) which is coded as being a PETTY MISDEMEANOR. The Honolulu Police Department Arrest Report Number was 03-444442. The OBTS Tracking Number was 36596XO. The Honolulu District Court Case Number was 1P103-12507.
  - (d). **On November 5, 2003**, Officers of the Honolulu Police Department arrested TENNY YI HERNANDEZ for DWOL-LICENSING (HRS 286-0102) which is coded as being a MISDEMEANOR. The Honolulu Police Department Arrest Report Number was 03-444443. The OBTS Tracking

Number was 36596XO. The Honolulu District Court Case Number was 1P103-12507.

- (e). **On November 5, 2003**, Officers of the Honolulu Police Department arrested TENNY YI HERNANDEZ for PROMOTING A DANGEROUS DRUG (HRS 712-1243) which is coded as being a FELONY CLASS C. The Honolulu Police Department Arrest Report Number was 03-444438. The OBTS Tracking Number was 36596X9. The Honolulu District Court Case Number was 1P103-12507.
- (f). **On November 5, 2003**, Officers of the Honolulu Police Department arrested TENNY YI HERNANDEZ for PROMOTING A DANGEROUS DRUG 3 (HRS 712-1243) which is coded as being a FELONY CLASS C. The Honolulu Police Department Arrest Report Number was 03-444439. The OBTS Tracking Number was 36596X9. The Honolulu District Court Case Number was 1P103-12507.
- (g). **On November 5, 2003**, Officers of the Honolulu Police Department arrested TENNY YI HERNANDEZ for PROHIBITED ACTS RELATED TO DRUG PARAPHERNALIA (HRS 329-0043.4) which is coded as being a FELONY CLASS C. The Honolulu Police Department Arrest Report Number was 03-444440. The OBTS Tracking Number was 36596X9. The Honolulu District Court Case Number was 1P103-12507.
- (h). **On November 6, 2003**, TENNY YI HERNANDEZ was released from police custody after BETTY YI HERNANDEZ posted \$50,000.00 in bail with the Honolulu District Court for the State of Hawaii. After the posting of the bail with the Honolulu District Court, the bail is held by the Cashier's Section of the Chief Clerk's Office, First Circuit Court, 777 Punchbowl Street, Honolulu, HI 96813 under the Court Case #1P103-12507 and/or under the name Betty Yi Hernandez, SSN 462-29-4599.
- (i). **On December 15, 2003**, defense attorney MARK KAWATA appeared with TENNY YI HERNANDEZ before Honolulu District Court Judge JD KOCHI. TENNY YI HERNANDEZ received a copy of the charges against him. TENNY YI HERNANDEZ pled not guilty to the charges.

(j). **On December 15, 2003**, Honolulu District Court Judge JD KOCHI accepted the plea. Honolulu District Court Judge JD KOCHI allowed TENNY YI HERNANDEZ to remain free on \$50,000.00 bail. Honolulu District Court Judge JD KOCHI set a trial date of February 16, 2004. Pretrial motions were due January 20, 2004. Honolulu Circuit Court Judge KAREN AHN was to hear all matters.

**SECTION II. BETTY YI HERNANDEZ PAID \$12,000.00 TO DISTRICT COURT**

34. **SECTION II** of my Second Affidavit describes how BETTY YI HERNANDEZ used \$12,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) from First Hawaiian Bank Swing Video Checking Account #47-019753 for the purchase of First Hawaiian Bank Official Bank Check Number 0558846-9, payable to Honolulu District Court in the amount of \$12,000.00.
35. In **SECTION II** of my Second Affidavit, I reviewed the bank records of First Hawaiian Bank Swing Video Checking Account #47-019753 held in the name of BETTY YI HERNANDEZ dba Swing Video, 35 North Hotel Street, Honolulu, Hawaii 96817 and discovered the following.
  - (a). **On November 6, 2003**, BETTY YI HERNANDEZ issued First Hawaiian Bank Check Number 1147, drawn on First Hawaiian Bank Swing Video Checking Account #47-019753, payable to First Hawaiian Bank in the amount of \$12,000.00.
  - (b). **On November 6, 2003**, BETTY YI HERNANDEZ used First Hawaiian Bank Check Number 1147 to purchase First Hawaiian Bank Official Bank Check Number 0558846-9, payable to Honolulu District Court in the amount of \$12,000.00.
36. In **SECTION II** of my Second Affidavit, I reviewed the records of the Honolulu Police Department for TENNY YI HERNANDEZ and discovered the following.
  - (a). **On November 6, 2003**, BETTY YI HERNANDEZ, gave First Hawaiian Bank Official Bank Check Number 0558846-9, payable to Honolulu District Court in the amount of \$12,000.00 as bail money for TENNY YI HERNANDEZ.

**SECTION III. BETTY YI HERNANDEZ PAID \$8,000.00 TO DISTRICT COURT**

37. **SECTION III** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ withdrew \$8,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) from City Bank Account #236322420 for the purchase of City Bank Cashier's Check Number 232197, payable to Honolulu District Court in the amount of \$8,000.00.

38. In **SECTION III** of my Second Affidavit, I reviewed the bank records of City Bank Account #236322420 held in the name BETTY YI HERNANDEZ, 3075 Ala Poha Place, Unit 1609, Honolulu, Hawaii 96814 and discovered the following.

(a). **On November 6, 2003**, BETTY YI HERNANDEZ withdrew \$8,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) from City Bank Account #236322420 held in the name BETTY YI HERNANDEZ.

(b). **On November 6, 2003**, BETTY YI HERNANDEZ used the \$8,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to purchase City Bank Cashier's Check Number 232197, payable to Honolulu District Court in the amount of \$8,000.00.

39. In **SECTION III** of my Second Affidavit, I reviewed the records of the Honolulu Police Department for TENNY YI HERNANDEZ and discovered the following.

(a). **On November 6, 2003**, BETTY YI HERNANDEZ, gave City Bank Cashier's Check Number 232197, payable to Honolulu District Court in the amount of \$8,000.00 as bail money for TENNY YI HERNANDEZ.

**SECTION IV. BETTY YI HERNANDEZ PAID \$5,000.00 TO DISTRICT COURT**

40. **SECTION IV** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ caused Ms. NHO BOON KIM to purchase Bank of Hawaii Cashier's Check Number 400794 with \$5,000.00 to repay a loan of commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).
41. **SECTION IV** of my Second Affidavit describes how on November 6, 2003, as instructed by BETTY YI HERNANDEZ, Ms. NHO BOON KIM made Bank of Hawaii Cashier's Check Number 400794 payable to Honolulu District Court in the amount of \$5,000.00.

**INTERVIEW OF MS. NHO BOON KIM**

42. In **SECTION IV** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement and Special Agent RUSSELL CHONG of the Internal Revenue Service interviewed Ms. NHO BOON KIM after BETTY YI HERNANDEZ was arrested on December 11, 2003. Ms. NHO BOON KIM stated the following.
  - (a). Ms. NHO BOON KIM stated that she worked for BETTY YI HERNANDEZ at Swing Video, 1340 Kapiolani Blvd., Honolulu, Hawaii from 1999 to December 11, 2003.
  - (b). Ms. NHO BOON KIM stated that TENNY YI HERNANDEZ was the son of BETTY YI HERNANDEZ.
  - (c). Ms. NHO BOON KIM stated that TENNY YI HERNANDEZ was married to LORI M. HERNANDEZ.
  - (d). Ms. NHO BOON KIM stated that in early 2003, she had borrowed \$5,000.00 in cash from BETTY YI HERNANDEZ.

43. In **SECTION IV** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement and Special Agent RUSSELL CHONG

of the Internal Revenue Service interviewed Ms. NHO BOON KIM after BETTY YI HERNANDEZ was arrested on December 11, 2003. Ms. NHO BOON KIM stated the following.

- (a). Ms. NHO BOON KIM stated that on or about November 6, 2003, BETTY YI HERNANDEZ told her that TENNY YI HERNANDEZ was in jail for fighting in bar.
- (b). Ms. NHO BOON KIM stated that on or about November 6, 2003, BETTY YI HERNANDEZ told her that BETTY YI HERNANDEZ needed bail money for TENNY YI HERNANDEZ.
- (c). Ms. NHO BOON KIM stated that on or about November 6, 2003, BETTY YI HERNANDEZ had asked her to repay the loan amount of \$5,000.00.
- (d). Ms. NHO BOON KIM stated that on or about November 6, 2003, BETTY YI HERNANDEZ told her that BETTY YI HERNANDEZ needed a cashier's check payable to the Honolulu District Court in the amount of \$5,000.00.
- (e). Ms. NHO BOON KIM stated that on or about November 6, 2003, she had borrowed \$5,000.00 in cash from several friends.
- (f). Ms. NHO BOON KIM stated that on or about November 6, 2003, she entered the Keeaumoku Branch of Bank of Hawaii with \$5,000.00 in cash and purchased Bank of Hawaii Cashier's Check Number 400794.
- (g). Ms. NHO BOON KIM stated that on or about November 6, 2003, she made Bank of Hawaii Cashier's Check Number 400794 payable to Honolulu District Court in the amount of \$5,000.00.
- (h). Ms. NHO BOON KIM stated that on or about November 6, 2003, she gave Bank of Hawaii Cashier's Check Number 400794 to BETTY YI HERNANDEZ.

(i). Ms. NHO BOON KIM stated that Bank of Hawaii Cashier's Check Number 400794, payable to Honolulu District Court in the amount of \$5,000.00 represented a loan repayment of \$5,000.00 to BETTY YI HERNANDEZ.

44. In **SECTION IV** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement reviewed the bank records of Bank of Hawaii Account #04-716906 held in the name NHO BOON KIM, 1540 Keeaumoku Street, Honolulu, Hawaii 96814 and discovered the following.

(a). **On November 6, 2003**, Ms. NHO BOON KIM entered the Keeaumoku Branch of Bank of Hawaii with \$5,000.00 in cash and purchased Bank of Hawaii Cashier's Check Number 400794.

(b). **On November 6, 2003**, Ms. NHO BOON KIM made Bank of Hawaii Cashier's Check Number 400794 payable to Honolulu District Court in the amount of \$5,000.00.

45. In **SECTION IV** of my Second Affidavit, based on the statements of Ms. NHO BOON KIM and the records of Bank of Hawaii, Bank of Hawaii Cashier's Check Number 400794, payable to Honolulu District Court in the amount of \$5,000.00 represented a loan repayment of \$5,000.00 to BETTY YI HERNANDEZ.

46. In **SECTION IV** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement reviewed the records of the Honolulu Police Department for TENNY YI HERNANDEZ and discovered the following.

(a). **On November 6, 2003**, BETTY YI HERNANDEZ, gave Bank of Hawaii Cashier's Check Number 400794, payable to Honolulu District Court in the amount of \$5,000.00 as bail money for TENNY YI HERNANDEZ.

**SECTION V. BETTY YI HERNANDEZ PAID \$5,000.00 TO DISTRICT COURT**

47. **SECTION V** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ caused Ms. EUN MEE HWANG to purchase Bank of Hawaii Cashier's Check Number 1701607 with \$5,000.00 to repay a loan of commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).

48. **SECTION V** of my Second Affidavit describes how on November 6, 2003, as instructed by BETTY YI HERNANDEZ, Ms. EUN MEE HWANG made Bank of Hawaii Cashier's Check Number 1701607 payable to Honolulu District Court in the amount of \$5,000.00.

**INTERVIEW OF MS. EUN MEE HWANG**

49. In **SECTION V** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement and Special Agent RUSSELL CHONG of the Internal Revenue Service interviewed Ms. EUN MEE HWANG after BETTY YI HERNANDEZ was arrested on December 11, 2003. Ms. EUN MEE HWANG stated the following

(a). Ms. EUN MEE HWANG stated that she was the niece of BETTY YI HERNANDEZ.

(b). Ms. EUN MEE HWANG stated that TENNY YI HERNANDEZ was the son of BETTY YI HERNANDEZ.

(c). Ms. EUN MEE HWANG stated that TENNY YI HERNANDEZ was married to LORI M. HERNANDEZ.

(d). Ms. EUN MEE HWANG stated that in 2003, she borrowed \$40,000.00 in cash from BETTY YI HERNANDEZ.

(e). Ms. EUN MEE HWANG stated that in 2003, she deposited some or all of the \$40,000.00 into her savings and checking accounts at Bank of Hawaii.

- (f). Ms. EUN MEE HWANG stated that in 2003, BETTY YI HERNANDEZ had asked EUN MEE HWANG to repay the loan amount of \$40,000.00.
- (g). Ms. EUN MEE HWANG stated that in 2003, BETTY YI HERNANDEZ told her to repay \$30,000.00 of the \$40,000.00 loan amount to TENNY YI HERNANDEZ via a check.
- (h). Ms. EUN MEE HWANG stated that in 2003, she paid \$30,000.00 of the \$40,000.00 loan amount to TENNY YI HERNANDEZ via Bank of Hawaii Check Number 1214.
- (i). Ms. EUN MEE HWANG stated that Bank of Hawaii Check Number 1214 was dated February 27, 2003.
- (j). Ms. EUN MEE HWANG stated that Bank of Hawaii Check Number 1214 was made payable to TENNY YI HERNANDEZ in the amount of \$30,000.00.

50. In **SECTION V** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement reviewed the bank records of Bank of Hawaii Account #0081-189811 held in the name SOO NAM HWANG and EUN MEE HWANG, 1448 Young Street, Honolulu, Hawaii 96814 and discovered the following.

- (a). On February 27, 2003, SOO NAM HWANG and EUN MEE HWANG issued Bank of Hawaii Check Number 1214, drawn on Bank of Hawaii Account #0081-189811, payable to TENNY YI HERNANDEZ in the amount of \$30,000.00.

51. In **SECTION V** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement and Special Agent RUSSELL CHONG of the Internal Revenue Service interviewed Ms. EUN MEE HWANG after BETTY YI HERNANDEZ was arrested on December 11, 2003. Ms. EUN MEE HWANG stated the following

- (a). Ms. EUN MEE HWANG stated that on or about November 6, 2003, BETTY YI HERNANDEZ told her that TENNY YI HERNANDEZ was in jail for a bar fight.
- (b). Ms. EUN MEE HWANG stated that on or about November 6, 2003, BETTY YI HERNANDEZ told her that BETTY YI HERNANDEZ needed bail money for TENNY YI HERNANDEZ.
- (c). Ms. EUN MEE HWANG stated that on November 6, 2003, BETTY YI HERNANDEZ told her that BETTY YI HERNANDEZ needed a cashier's check payable to the Honolulu District Court in the amount of \$5,000.00.
- (d). Ms. EUN MEE HWANG stated that on November 6, 2003, she entered the Ala Moana Branch of Bank of Hawaii and she withdrew \$5,000.00 from her Bank of Hawaii Account #80-682344 held in the name KUKU FISHING INC,
- (e). Ms. EUN MEE HWANG stated that on November 6, 2003, she used the \$5,000.00 to purchase Bank of Hawaii Cashier's Check Number 1701607.
- (f). Ms. EUN MEE HWANG stated that on November 6, 2003, she made Bank of Hawaii Cashier's Check Number 1701607 payable to Honolulu District Court in the amount of \$5,000.00.
- (g). Ms. EUN MEE HWANG stated that on November 6, 2003, she gave Bank of Hawaii Cashier's Check Number 1701607 to BETTY YI HERNANDEZ.

52. In **SECTION V** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement reviewed the bank records of Bank of Hawaii Account #80-682344 held in the name KUKU FISHING INC, Soo Nam Hwang-President and Eun Mee Hwang-Vice President, 500 University Avenue, Honolulu, Hawaii 96826 and discovered the following.

- (a). **On November 6, 2003**, Ms. EUN MEE HWANG entered the Ala Moana Branch of Bank of Hawaii and withdrew \$5,000.00 from Bank of Hawaii Account #80-682344 held in the name KUKU FISHING INC,

- (b). **On November 6, 2003**, Ms. EUN MEE HWANG used the \$5,000.00 to purchase Bank of Hawaii Cashier's Check Number 1701607.
- (c). **On November 6, 2003**, Ms. EUN MEE HWANG made Bank of Hawaii Cashier's Check Number 1701607 payable to Honolulu District Court in the amount of \$5,000.00.

53. In **SECTION V** of my Second Affidavit, based on the statements of Ms. EUN MEE HWANG and the records of Bank of Hawaii, Bank of Hawaii Cashier's Check Number 1701607, payable to Honolulu District Court in the amount of \$5,000.00 represented a loan repayment of \$5,000.00 to BETTY YI HERNANDEZ.

54. In **SECTION V** of my Second Affidavit, I reviewed the records of the Honolulu Police Department for TENNY YI HERNANDEZ and discovered the following.

- (a). **On November 6, 2003**, BETTY YI HERNANDEZ, gave Bank of Hawaii Cashier's Check Number 1701607, payable to Honolulu District Court in the amount of \$5,000.00 as bail money for TENNY YI HERNANDEZ.

---

**SECTION VI. BETTY YI HERNANDEZ PAID \$20,000.00 TO DISTRICT COURT**

---

55. **SECTION VI** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ used Mr. KI-YEOUN KIM and Ms. LORI M. HERNANDEZ to purchase American Savings Bank Cashier's Check Cashier's Check Number 400767383 with \$20,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).
56. **SECTION VI** of my Second Affidavit describes how on November 6, 2003, Ms. LORI M. HERNANDEZ issued American Savings Bank Cashier's Check Cashier's Check Number 400767383 payable to Honolulu District Court in the amount of \$20,000.00.

---

**INTERVIEW OF MR. KI-YEOUN KIM**

---

57. In **SECTION VI** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement and Special Agent RUSSELL CHONG of the Internal Revenue Service interviewed Mr. KI-YEOUN KIM after BETTY YI HERNANDEZ was arrested on December 11, 2003. Mr. KI-YEOUN KIM stated the following.
  - (a). Mr. KI-YEOUN KIM stated that he knew that BETTY YI HERNANDEZ was the owner of Swing Video, 1340 Kapiolani Blvd., Honolulu, Hawaii.
  - (b). Mr. KI-YEOUN KIM stated that TENNY YI HERNANDEZ was the son of BETTY YI HERNANDEZ.
  - (c). Mr. KI-YEOUN KIM stated that TENNY YI HERNANDEZ was married to LORI M. HERNANDEZ.
  - (d). Mr. KI-YEOUN KIM stated that on May 13, 2003, he met with BETTY YI HERNANDEZ in her office at Swing Video where BETTY YI HERNANDEZ loaned him \$20,000.00 in cash.

- (e). Mr. KI-YEOUN KIM stated that on May 13, 2003, BETTY YI HERNANDEZ told Mr. KI-YUEN KIM how she wanted Mr. KI-YUEN KIM to repay the \$20,000.00 loan.
- (f). Mr. KI-YEOUN KIM stated that on May 13, 2003, BETTY YI HERNANDEZ told Mr. KI-YUEN KIM that she wanted a post-dated check made payable to TENNY YI HERNANDEZ in the amount of \$20,000.00.
- (g). Mr. KI-YEOUN KIM stated that on May 13, 2003, he wrote Bank of Hawaii Check Number 1749 and dated it May 16, 2003.
- (h). Mr. KI-YEOUN KIM stated that Bank of Hawaii Check Number 1749 was drawn on his business checking account at the Ala Moana Branch of Bank of Hawaii.
- (i). Mr. KI-YEOUN KIM stated that he made Bank of Hawaii Check Number 1749 payable to TENNY YI HERNANDEZ in the amount of \$20,000.00.
- (j). Mr. KI-YEOUN KIM stated that on May 20, 2003, Bank of Hawaii Check Number 1749, dated May 16, 2003, payable to TENNY YI HERNANDEZ in the amount of \$20,000.00 had cleared his business checking account at the Ala Moana Branch of Bank of Hawaii.
- (k). Mr. KI-YEOUN KIM stated that Bank of Hawaii Check Number 1749, dated May 16, 2003, payable to TENNY YI HERNANDEZ in the amount of \$20,000.00 represented his loan repayment of \$20,000.00 to BETTY YI HERNANDEZ.

58. In **SECTION VI** of my Second Affidavit, I reviewed the bank records of American Savings Bank Basic Checking Account Number 08707-12109 held in the name LORI M. HERNANDEZ and TENNY YI HERNANDEZ, 94-1041 Lumipolu Street, Waipahu, Hawaii 96797 and discovered the following.

- (a). On May 19, 2003, Bank of Hawaii Check Number 1749, signed by Mr. KI-YUEN KIM, dated May 16, 2003, and made payable to TENNY YI

HERNANDEZ in the amount of \$20,000.00 was deposited into American Savings Bank Basic Checking Account Number 08707-1209.

(b). **On May 19, 2003**, LORI M. HERNANDEZ issued American Savings Bank Check Number 2416, payable to Cash in the amount of \$20,000.00, and drawn on American Savings Bank Basic Checking Account Number 08707-1209.

59. In **SECTION VI** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement reviewed the bank records of American Savings Bank Basic Checking Account Number 860012236 held in the name LORI M. HERNANDEZ, 94-1041 Lumipolu Street, Waipahu, Hawaii 96797 and discovered the following.

(a). **On May 19, 2003**, LORI M. HERNANDEZ deposited American Savings Bank Check Number 2416, payable to Cash in the amount of \$20,000.00, and drawn on American Savings Bank Basic Checking Account Number 08707-1209 into her American Savings Bank Savings Account Number 08600-12236.

(b). **On November 6, 2003**, LORI M. HERNANDEZ withdrew \$20,000.00 from her American Savings Bank Savings Account Number 08600-12236 and purchased American Savings Bank Cashier's Check Number 400767383, payable to Honolulu District Court in the amount of \$20,000.00.

60. In **SECTION VI** of my Second Affidavit, Special Agent JASON PA of the Bureau of Immigration and Customs Enforcement reviewed the records of the Honolulu Police Department for TENNY YI HERNANDEZ and discovered the following.

(a). **On November 6, 2003**, BETTY YI HERNANDEZ, gave American Savings Bank Cashier's Check Number 400767383, payable to Honolulu District Court in the amount of \$20,000.00 as bail money for TENNY YI HERNANDEZ.

**SECTION VII. SEIZURE WARRANT FOR \$50,000.00 BAIL MONEY**

61. **SECTION VII** of my Second Affidavit explains the basis for seizing the \$50,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) that was paid by BETTY YI HERNANDEZ to Honolulu District Court as bail money for TENNY YI HERNANDEZ.

**MONEY LAUNDERING TRANSACTION #1**

62. Based on the following information in my First Affidavit, First Hawaiian Bank Official Bank Check Number 0558846-9, payable to Honolulu District Court in the amount of \$12,000.00 as a payment for bail for TENNY YI HERNANDEZ represented commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) and therefore subject to seizure.

(a). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ created and maintained Swing Video LLC as a business front where illegal activity could be conducted and where illegally acquired money could be blended in with legitimate ordinary appearing bank deposits.

(b). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ used commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) for lease rent payments, home mortgage payments, vehicle purchases, and vehicle loan payments.

(c). As a result of my First Affidavit, a seizure warrant was issued for the contents of First Hawaiian Bank Account Number 47-019753, held in the name of BETTY YI HERNANDEZ dba Swing Video, which is moneys furnished or intended to be furnished by any person in exchange for a

controlled substance or as proceeds traceable to such an exchange and concerning a violation of Title 18 U.S.C., Section 1956.

- (d). As a result of the seizure warrant issued under MAG. NO. 03-1017 BMK, First Hawaiian Bank provided First Hawaiian Bank Check #04742307, dated 12/12/03, in the amount of \$19,933.02, made payable to Customs and Border Protection, which represented the contents of First Hawaiian Bank Swing Video Checking Account Number 47-0194753.

63. **SECTION II** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ withdrew \$12,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) from First Hawaiian Bank Swing Video Checking Account #47-019753 held in the name of BETTY YI HERNANDEZ dba Swing Video, 35 North Hotel Street, Honolulu, Hawaii 96817.

64. **SECTION II** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ used the \$12,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to purchase First Hawaiian Bank Official Bank Check Number 0558846-9, payable to Honolulu District Court in the amount of \$12,000.00.

65. **SECTION II** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ, gave First Hawaiian Bank Official Bank Check Number 0558846-9, payable to Honolulu District Court in the amount of \$12,000.00 to Honolulu District Court as bail money for TENNY YI HERNANDEZ.

#### **MONEY LAUNDERING TRANSACTION #2**

66. Based on the following information in my First Affidavit, City Bank Cashier's Check Number 232197, payable to Honolulu District Court in the amount of \$8,000.00 as a payment for bail for TENNY YI HERNANDEZ represented commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) and therefore subject to seizure.

(a). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ created and maintained Swing Video LLC as a business front where illegal activity could be conducted and where illegally acquired money could be blended in with legitimate ordinary appearing bank deposits.

(b). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ used commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) for lease rent payments, home mortgage payments, vehicle purchases, and vehicle loan payments.

(c). As a result of my First Affidavit, a seizure warrant was issued for the contents of City Bank City Bank Account Number 236322420, held in the name of BETTY YI HERNANDEZ, which is moneys furnished or intended to be furnished by any person in exchange for a controlled substance or as proceeds traceable to such an exchange and concerning a violation of Title 18 U.S.C., Section 1956.

(d). As a result of the seizure warrant issued in MAG. NO. 03-1016 BMK, City Bank provided City Bank Check #236854, dated 12/12/03, in the amount of \$453.85, made payable to Customs and Border Protection, which represented the contents of City Bank Account Number 236322420.

67. **SECTION III** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ withdrew \$8,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) from City Bank Account #236322420 held in the name BETTY YI HERNANDEZ, 3075 Ala Poha Place, Unit 1609, Honolulu, Hawaii 96814.

68. **SECTION III** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ used the \$8,000.00 in commingled funds (i.e. illegally

acquired money blended in with legitimate ordinary appearing bank deposits) to purchase City Bank Cashier's Check Number 232197, payable to Honolulu District Court in the amount of \$8,000.00.

69. **SECTION III** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ, gave City Bank Cashier's Check Number 232197, payable to Honolulu District Court in the amount of \$8,000.00 as bail money for TENNY YI HERNANDEZ.

#### **MONEY LAUNDERING TRANSACTION #3**

70. Based on the following information in my First Affidavit, Bank of Hawaii Cashier's Check Number 400794, payable to Honolulu District Court in the amount of \$5,000.00 as a payment for bail for TENNY YI HERNANDEZ represented commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) and therefore subject to seizure.

(a). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ created and maintained Swing Video LLC as a business front where illegal activity could be conducted and where illegally acquired money could be blended in with legitimate ordinary appearing bank deposits.

(b). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ used commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) for lease rent payments, home mortgage payments, vehicle purchases, and vehicle loan payments.

71. **SECTION IV** of my Second Affidavit describes how BETTY YI HERNANDEZ loaned \$5,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to Ms. NHO BOON KIM.
72. **SECTION IV** of my Second Affidavit describes how Ms. NHO BOON KIM repaid the original loan of \$5,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) with Bank of Hawaii Cashier's Check Number 400794, payable to Honolulu District Court in the amount of \$5,000.00.
73. **SECTION IV** of my Second Affidavit describes how on November 6, 2003, as instructed by BETTY YI HERNANDEZ, Ms. NHO BOON KIM made Bank of Hawaii Cashier's Check Number 400794 payable to Honolulu District Court in the amount of \$5,000.00.
74. **SECTION IV** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ, gave Bank of Hawaii Cashier's Check Number 400794, payable to Honolulu District Court in the amount of \$5,000.00 to Honolulu District Court as bail money for TENNY YI HERNANDEZ.

#### **MONEY LAUNDERING TRANSACTION #4**

75. Based on the following information in my First Affidavit, Bank of Hawaii Cashier's Check Number 1701607, payable to Honolulu District Court in the amount of \$5,000.00 as a payment for bail for TENNY YI HERNANDEZ represented commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) and therefore subject to seizure.
  - (a). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ created and maintained Swing Video LLC as a business front where illegal activity could be conducted and where illegally acquired money could be blended in with legitimate ordinary appearing bank deposits.

(b). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING**

**PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ used commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) for lease rent payments, home mortgage payments, vehicle purchases, and vehicle loan payments.

76. **SECTION V** of my Second Affidavit describes how BETTY YI HERNANDEZ loaned \$40,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to Ms. EUN MEE HWANG between January 1, 2003 and February 27, 2003.
77. **SECTION V** of my Second Affidavit describes how Ms. EUN MEE HWANG repaid \$5,000.00 of the original loan of \$40,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) with Bank of Hawaii Cashier's Check Number 1701607 payable to Honolulu District Court in the amount of \$5,000.00.
78. **SECTION V** of my Second Affidavit describes how on November 6, 2003, as instructed by BETTY YI HERNANDEZ, Ms. EUN MEE HWANG made Bank of Hawaii Cashier's Check Number 1701607 payable to Honolulu District Court in the amount of \$5,000.00.
79. **SECTION V** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ, gave Bank of Hawaii Cashier's Check Number 1701607, payable to Honolulu District Court in the amount of \$5,000.00 as bail money for TENNY YI HERNANDEZ.

**MONEY LAUNDERING TRANSACTION #5**

80. Based on the following information in my First Affidavit, American Savings Bank Cashier's Check Number 400767383, payable to Honolulu District Court in the amount of \$20,000.00 as a payment for bail for TENNY YI HERNANDEZ represented commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) and therefore subject to seizure.

(a). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ created and maintained Swing Video LLC as a business front where illegal activity could be conducted and where illegally acquired money could be blended in with legitimate ordinary appearing bank deposits.

(b). In my First Affidavit, **SECTION III. EVIDENCE SUPPORTING PROBABLE CAUSE**, page 18, paragraph 41 to page 77, paragraph 366, describes the evidence supporting probable cause that BETTY YI HERNANDEZ used commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) for lease rent payments, home mortgage payments, vehicle purchases, and vehicle loan payments.

81. **SECTION VI** of my Second Affidavit describes how BETTY YI HERNANDEZ loaned \$20,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) to Mr. KI-YEOUN KIM in 2003.

82. **SECTION VI** of my Second Affidavit describes how Mr. KI-YEOUN KIM repaid the original loan of \$20,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) with Bank of Hawaii Check Number 1749, dated May 16, 2003, payable to TENNY YI HERNANDEZ in the amount of \$20,000.00.

83. **SECTION VI** of my Second Affidavit describes how on May 19, 2003, Bank of Hawaii Check Number 1749, signed by Mr. KI-YEOUN KIM, dated May 16, 2003, and made payable to TENNY YI HERNANDEZ in the amount of \$20,000.00 was deposited into American Savings Bank Basic Checking Account Number 08707-1209.

84. **SECTION VI** of my Second Affidavit describes how on May 19, 2003, Ms. LORI M. HERNANDEZ wrote American Savings Bank Check Number 2416, payable to

Cash in the amount of \$20,000.00, and drawn on American Savings Bank Basic Checking Account Number 08707-1209.

85. **SECTION VI** of my Second Affidavit describes how on May 19, 2003, Ms. LORI M. HERNANDEZ deposited American Savings Bank Check Number 2416 in the amount of \$20,000.00 into her American Savings Bank Statement Savings Account Number 08600-12236.
86. **SECTION VI** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ used Ms. LORI M. HERNANDEZ to purchase American Savings Bank Cashier's Check Cashier's Check Number 400767383 with \$20,000.00 in commingled funds (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits).
87. **SECTION VI** of my Second Affidavit describes how on November 6, 2003, Ms. LORI M. HERNANDEZ removed \$20,000.00 from her American Savings Bank Statement Savings Account Number 08600-12236 to purchase American Savings Bank Cashier's Check Number 400767383, payable to Honolulu District Court in the amount of \$20,000.00.
88. **SECTION VI** of my Second Affidavit describes how on November 6, 2003, BETTY YI HERNANDEZ, gave American Savings Bank Cashier's Check Cashier's Check Number 400767383, payable to Honolulu District Court in the amount of \$20,000.00 as bail money for TENNY YI HERNANDEZ.

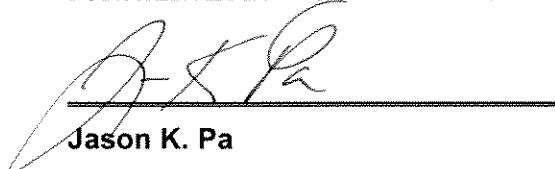
## **CONCLUSION AND RECOMMENDATIONS**

- A.** Based upon the following evidence in my First Affidavit and my Second Affidavit, there is probable cause to believe, and I do believe, that BETTY YI HERNANDEZ engaged in violations of Title 21, United States Code, Sections 856(a)(2) and 856(b); Title 18, United States Code, Section 1956(a)(1)(A)(i), and Title 18, United States Code, Section 1956(a)(1)(B)(i).
- B.** Based upon the following evidence in my First Affidavit and my Second Affidavit, there is probable cause to believe, and I do believe, that BETTY YI HERNANDEZ used \$50,000.00 in commingled (i.e. illegally acquired money blended in with legitimate ordinary appearing bank deposits) as bail money for TENNY YI HERNANDEZ
- C.** Based upon the following evidence in my First Affidavit and my Second Affidavit, there is probable cause to believe, and I do believe, that probable cause exists to seize the \$50,000.00 in bail money posted in the name of BETTY YI HERNANDEZ by the CHIEF CLERK'S OFFICE FIRST CIRCUIT COURT, 777 PUNCHBOWL STREET, HONOLULU, HI 96813, ATTENTION: CASHIER'S SECTION.
- D.** Based upon the following evidence in my First Affidavit and my Second Affidavit, there is probable cause to believe, and I do believe, that the \$50,000.00 in bail money is to be seized and is subject to forfeiture because it is related to money laundering transactions that occurred on November 6, 2003.
- E.** Based upon the following evidence in my First Affidavit and my Second Affidavit, there is probable cause to believe, and I do believe, to seize the \$50,000.00 in bail money posted in the name of BETTY YI HERNANDEZ by the CHIEF CLERK'S OFFICE FIRST CIRCUIT COURT, 777 PUNCHBOWL STREET, HONOLULU, HI 96813, ATTENTION: CASHIER'S SECTION, pursuant to Title 18, United States, Code Section 981(a)(1)(A).
- F.** Based upon the following evidence in my First Affidavit and my Second Affidavit, there is probable cause to believe, and I do believe, to seize the \$50,000.00 in bail money posted in the name of BETTY YI HERNANDEZ by the CHIEF

CLERK'S OFFICE FIRST CIRCUIT COURT, 777 PUNCHBOWL STREET,  
HONOLULU, HI 96813, ATTENTION: CASHIER'S SECTION, pursuant to Title  
18, United States, Code Section 982(b)(1).

G. Based upon the following evidence in my First Affidavit and my Second Affidavit, there is probable cause to believe, and I do believe, that a protective order under Title 21, United States, Code Section 853(e) may not be sufficient to assure the availability of the \$50,000.00 in bail money posted in the name of BETTY YI HERNANDEZ by the CHIEF CLERK'S OFFICE FIRST CIRCUIT COURT, 777 PUNCHBOWL STREET, HONOLULU, HI 96813, ATTENTION: CASHIER'S SECTION for forfeiture because disbursement of the \$50,000.00 can be made to BETTY YI HERNANDEZ or to her representative by way of a court order issued by a State of Hawaii Circuit Court Judge.

FURTHER AFFIANT SAYETH NAUGHT.



\_\_\_\_\_  
Jason K. Pa

**Special Agent**  
**Department of Homeland Security**  
**U.S. Immigration & Customs Enforcement**

**Subscribed and sworn to**  
Before me this ~~26~~<sup>27</sup> day  
Of January 2003.



\_\_\_\_\_  
**UNITED STATES MAGISTRATE JUDGE**  
**DISTRICT OF HAWAII**

**KEVIN S.C. CHANG**